

SUPERIOR COURT
OF THE
STATE OF DELAWARE

E. SCOTT BRADLEY
JUDGE

SUSSEX COUNTY COURTHOUSE
1 The Circle, Suite 2
GEORGETOWN, DE 19947

March 16, 2009

William E. Hoyle
SBI #
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Re: *State of Delaware v. William E. Hoyle*
Def. ID # 0603026561
Letter Opinion

Date Submitted: January 4, 2009

Dear Mr. Hoyle:

This is my decision on your motion for postconviction relief. You were convicted of Rape in the Fourth Degree and two counts of Unlawful Sexual Contact in the Second Degree. The convictions arose out of an incident where you sexually assaulted your neighbor's 15-year-old daughter. The Supreme Court of Delaware affirmed your convictions on February 11, 2008.¹ You now allege that your attorney had a conflict of interest in representing you. You were represented before your trial by Assistant Public Defender Stephanie A. Tsantes. Tsantes stopped representing you because she was heavily involved in a capital murder case. She was replaced by Assistant Public Defender Dean C. Johnson, who represented you at trial. You allege that Assistant Public Defender E. Stephen Callaway once represented someone that you got into trouble and that because of this,

¹ 956 A.2d 642, 2008 WL 361139 (Del. Feb.11, 2008)(TABLE).

he caused Tsantes to not adequately represent you. Both Tsantes and Johnson have submitted affidavits in response to your allegations. I have concluded that, given the nature of your allegations, a hearing is not necessary.

The United States Supreme Court has established the proper inquiry to be made by courts when deciding a motion for postconviction relief.² In order to prevail on a claim for ineffective assistance of counsel pursuant to Superior Court Criminal Rule 61, the defendant must engage in a two-part analysis.³ First, the defendant must show that counsel's performance was deficient and fell below an objective standard of reasonableness.⁴ Second, the defendant must show that the deficient performance prejudiced the defense.⁵ Further, a defendant "must make and substantiate concrete allegations of actual prejudice or risk summary dismissal."⁶ It is also necessary that the defendant "rebut a 'strong presumption' that trial counsel's representation fell within the 'wide range of reasonable professional assistance,' and this Court must eliminate from its consideration the 'distorting effects of hindsight when viewing that representation.'"⁷ There is no procedural bar to claims of ineffective assistance of counsel.⁸

² *Strickland v. Washington*, 466 U.S. 668 (1984).

³ *Strickland*, 466 U.S. at 687.

⁴ *Id.* at 687.

⁵ *Id.* at 687.

⁶ *State v. Coleman*, 2003 WL 22092724 (Del. Super. Feb. 19, 2003).

⁷ *Coleman*, 2003 WL at *2, quoting *Strickland*, 466 U.S. at 689.

⁸ *Coleman*, 2003 WL at *1, citing *State v. Johnson*, 1999 WL 743612, at *2 (Del. Super. Aug.12, 1999); *State v. Gattis*, 1995 WL 790961, at *7 (Del. Super. Dec. 28, 1995), *aff'd*, 637 A.2d 1174 (Del. 1997).

You allege that you had the “head of city counsel (sic)/justice of the peace Donald Godfrey removed” because he solicited you to commit arson. You also allege that Callaway represented Godfrey in some proceeding that you did not describe. This happened, according to Tsantes, approximately 15 years ago. Callaway did not represent you at any time on the criminal charges that led to your convictions and current incarceration. You were represented by Tsantes and Johnson.

You also allege that Callaway twice came into the room that he and Tsantes share in the Sussex County Courthouse during case reviews while you and Tsantes were discussing your case. You do not allege that Callaway said anything to you or Tsantes. You also do not allege that Callaway caused Tsantes to do or not do anything regarding her representation of you. Tsantes, in her affidavit, stated that she did not ask Callaway for any assistance or guidance during her representation of you.

Callaway did not have a conflict of interest because he never represented you.⁹ Tsantes and Johnson did not have a conflict of interest because they never represented Godfrey.¹⁰ Although you do not clearly allege it, I assume you believe that because Callaway represented Godfrey in a case that you had some involvement with, that Callaway did not like you and retaliated against you by causing Tsantes to not properly represent you in this case. Your allegations are nothing but mere speculation. There is absolutely no reason at all to suspect that Tsantes and Johnson compromised their representation of you because Callaway represented someone that you had a dispute with many years ago. The mere fact that Callaway walked into an office that he shared with Tsantes does not support your allegations of a conflict of interest and ineffective assistance of counsel.

⁹ Professional Conduct Rule 1.7 and 1.9.

¹⁰ *Id.*

CONCLUSION

Your motion for postconviction relief is DENIED.

IT IS SO ORDERED.

Very truly yours,

E. Scott Bradley

Original to Prothonotary

cc: Stephanie A. Tsantes, Esquire
Dean C. Johnson, Esquire